

Group I. Claims 1-7, drawn to a coffee extract product, classified in class 426, subclass 564.

Group II. Claims 8-33, drawn to a process for making a coffee beverage product, classified in class 426, subclass 564.

Restriction Requirement

Applicants respectfully traverse the Restriction Requirement and submit that the claims of the two groups designated by the Examiner are closely interrelated from a patentability assessment standpoint. In addition, Applicants maintain that the claims of the two designated groups have not actually acquired a separate status in the art, notwithstanding different art classifications which may be artificially assigned for mere cataloging purposes. Therefore, in order to preserve the unity of the invention, both groups should be prosecuted in the same application. Prosecuting the two groups together would eliminate duplication of search efforts, thereby simplifying Patent Office examination work.

In the event the Examiner persists in the Restriction Requirement, Applicants hereby affirm the election of Group II, Claims 8-33 for prosecution, holding claims 1-7 in abeyance for prosecution in a separately filed continuation application.


Conclusion

In view of the foregoing remarks, Applicants respectfully request that the Examiner withdraw the Restriction Requirement and allow claims 1-33 to be prosecuted in the same application. In the event that the Examiner's Restriction Requirement is made final, Applicants reaffirm the provisional election of Group II, Claims 8-33, above for continued prosecution holding claims 1-7 in abeyance under the provisions of 37 C.F.R. 1.142(b) until final disposition of the elected claims.

Respectfully submitted,

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